

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 19-3008-MJ-WJE

WESLEY BRIAN KASTER,

Defendant.

**UNITED STATES' MOTION FOR PRETRIAL DETENTION
AND FOR A HEARING PURSUANT TO 18 U.S.C. §§ 3142(e) and (f)**

COMES NOW the United States of America, by and through Timothy A. Garrison, United States Attorney for the Western District of Missouri, and by the undersigned Assistant United States Attorney, and requests pretrial detention and a detention hearing pursuant to 18 U.S.C. §§ 3142(e)(3)(A), (f)(1)(C), (f)(2)(A) and (B). At this hearing, the evidence will demonstrate that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required by the Court and the safety of other persons and the community.

1. Subsection 3142(f), Title 18, United States Code, provides that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions will reasonably assure the defendant's appearance and the safety of any other person in the community if the attorney for the Government moves for such a hearing, and if the case is a crime of violence, for which imprisonment for ten (10) years or more is prescribed.

2. The statute recognizes two additional situations which allow for a detention hearing, and which can be raised either by the attorney for the Government or by a judicial officer. These conditions are:

- a. When there is a serious risk that the defendant will flee; or
 - b. When there is a serious risk that the person will “obstruct or attempt to obstruct justice, or threaten, injure or intimidate, or attempt to threaten, injure or intimidate, a prospective witness or juror.”
3. One or more grounds for a pretrial detention hearing as set forth by the statute exist in the above cause.
4. This case involves a crime of violence, as defined by Title 18, United States Code, Section 3156(a)(4)(A), for which imprisonment for ten (10) years or more is prescribed.
5. On March 4, 2019, a criminal complaint was issued which charged the defendant with maliciously damaging or destroying, or attempting to damage or destroy, by means of fire or an explosive, any building, vehicle or other personal or real property, in whole or in part, owned or possessed by any institution or organization receiving federal financial assistance, in violation of Title 18, United States Code, Section 844(f)(1).
6. As a consequence of this charge, the Court, subject to rebuttal, shall presume that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community. 18 U.S.C. § 3142(e)(3)(A).
7. Moreover, the nature and circumstances of the charged offense, the weight of the evidence, the defendant’s history and characteristics, and the nature and seriousness of the danger to any person or the community that would be posed by the defendant’s release, each clearly and convincingly demonstrate that there are no conditions or combination of conditions set forth in 18 U.S.C. § 3142(c) that will reasonably assure the appearance of the defendant as required and the safety of other persons and the community.
8. Consequently, the defendant presents a danger to the community and a flight risk.

WHEREFORE, based on the foregoing, the Government requests that the Court hold a detention hearing in accordance with 18 U.S.C. § 3142(f), and following such hearing, enter an order detaining the defendant pending trial or other disposition of this case.

Respectfully submitted,

Timothy A. Garrison
United States Attorney

By /S/

Michael S. Oliver
Assistant United States Attorney
Missouri Bar No. 41832

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on March 4, 2019, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/S/
Michael S. Oliver
Assistant United States Attorney